

JUDGE PATTERSON

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MICHAEL JACKSON  
and AKIL NESBITT,

Defendants.

INDICTMENT

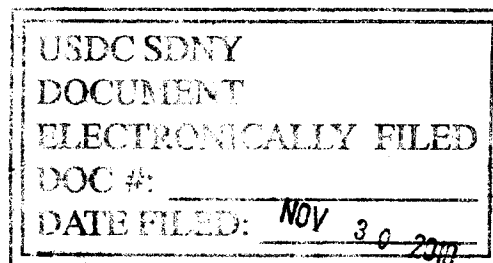
10 CRIM 1180

COUNT ONE

The Grand Jury charges:

1. In or about June 2010, in the Southern District of New York and elsewhere, MICHAEL JACKSON and AKIL NESBITT, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, MICHAEL JACKSON and AKIL NESBITT, and others known and unknown, agreed to commit an armed robbery of a grocery store in the Bronx, New York, that sold goods in interstate commerce.

(Title 18, United States Code, Sections 1951 and 2.)



COUNT TWO

The Grand Jury further charges:

2. On or about June 4, 2010, in the Southern District of New York, MICHAEL JACKSON and AKIL NESBITT, the defendants, and others known and unknown, unlawfully, willfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, JACKSON, NESBITT, and another individual not named as a defendant herein ("CC-1"), entered a grocery store located in the vicinity of 285 East 170<sup>th</sup> Street, Bronx, New York, brandished firearms, and stole United States currency and other items.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE

The Grand Jury further charges:

3. On or about June 4, 2010, in the Southern District of New York, MICHAEL JACKSON and AKIL NESBITT, the defendants, unlawfully, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery charged in Count Two of this Indictment, did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, which were brandished

during the robbery charged in Count Two.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.)

COUNT FOUR

The Grand Jury further charges:

4. On or about June 4, 2010, in the Southern District of New York, MICHAEL JACKSON, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to wit, a conviction on or about August 10, 2006, for forgery in the first degree, in violation of Oregon Revised Statutes Section 165.013, unlawfully, willfully, and knowingly, did possess in and affecting commerce, a firearm and ammunition which previously had been shipped and transported in interstate and foreign commerce, to wit, a nine-millimeter Kel-Tec handgun and 10 nine-millimeter bullets, and a .22 caliber RG revolver and four .22 caliber bullets.

(Title 18, United States Code, Section 922(g)(1).)

COUNT FIVE

The Grand Jury further charges:

5. On or about June 4, 2010, in the Southern District of New York, AKIL NESBITT, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to wit, a conviction on or about March 25, 2004, for robbery in the first degree, in violation of New York Penal Law Section 160.15(2), unlawfully, willfully, and knowingly, did possess in and affecting commerce, a firearm and

ammunition which previously had been shipped and transported in interstate and foreign commerce, to wit, a nine-millimeter Kel-Tec handgun and 10 nine-millimeter bullets, and a .22 caliber RG revolver and four .22 caliber bullets.

(Title 18, United States Code, Section 922(g)(1).)

FORFEITURE ALLEGATION

(As to Counts One and Two)

6. As a result of committing the Hobbs Act robbery offenses in violation of 18 U.S.C. § 1951, alleged in Counts One and Two of this Indictment, MICHAEL JACKSON and AKIL NESBITT, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses.


Substitute Assets Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which

cannot be subdivided without difficulty;  
it is the intent of the United States, pursuant to 21 U.S.C.  
§ 853(p), to seek forfeiture of any other property of said  
defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981 and  
Title 28, United States Code, Section 2461.)

  
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FOREPERSON

  
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PREET BHARARA   
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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INDICTMENT

(18 U.S.C. §§ 1951, 922(g)(1),  
924(c)(1)(A)(ii), 981 and 2, 28 U.S.C. §  
2461)

PREET BHARARA

United States Attorney.

A TRUE BILL

  
Foreperson.

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11/30/10  
MB

Filed indictment. Case assigned  
to Judge Patterson For all purposes